

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES,)	CASE NO. 4:02CR226
)	
Plaintiff,)	JUDGE LESLEY WELLS
)	Magistrate Judge George J. Limbert
v.)	
)	
ADRIAN L. GORDON,)	<u>REPORT AND RECOMMENDATION</u>
)	<u>OF MAGISTRATE JUDGE</u>
Defendant.)	

This matter was referred to the undersigned in order to conduct the appropriate proceedings, including an initial appearance, detention hearing, preliminary exam and supervised release hearing, and all matters in accordance with Criminal Rule 32.1, except for sentencing. On June 1, 2006, the undersigned conducted an initial appearance regarding the revocation of supervised release and appointed Attorney Damian A. Billak as Defendant's counsel. *See Docket*. On June 9, 2006, the undersigned conducted a detention hearing and supervised release revocation hearing. *See ECF Dkt. #37*. At that hearing, the Government was represented by Assistant United States Attorney Thomas M. Bauer, on behalf of Assistant United States Attorney Sharon Long and Defendant was represented by Attorney Billak..

The violation report prepared by the United States Probation Officer on May 19, 2006, in the instant matter indicated that Defendant had committed the following Supervised Release Violations:

1. Failure to Reside in a Community Corrections Center for 180 days - On 05/01/2006, Mr. Gordon walked away from the Oriana House, a community corrections center, and did not return. As a result, his placement at the facility was immediately terminated.
2. Failure to Abide by the Rules of a Community Corrections Center - According to a terminal report dated 05/02/2006, Mr. Gordon tested positive for alcohol use while at the Oriana House, submitting an alcohol breath test of .029, on 05/01/2006.

Violation Report at 1. At the hearing and through his counsel, Defendant stipulated to the violations contained in the Report.

CONCLUSION AND RECOMMENDATION

Based upon the Violation Report and Defendant's stipulation, the undersigned finds that Defendant has knowingly and voluntarily admitted to the violations contained in Numbers 1 and 2 of the Violation Report. Consequently, the undersigned finds that Defendant has violated the terms and conditions of supervised release and ORDERS Defendant to remain in custody of the United States Marshal.

Further, the undersigned recommends that the Court find that Defendant has violated the terms of his supervised release.

Dated: June 9, 2006

/s/George J. Limbert
George J. Limbert
United States Magistrate Judge

ANY OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Court within ten (10) days of service of this notice. Failure to file objections within the specified time WAIVES the right to appeal the Magistrate Judge's recommendation. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

